

BOOK 33**VIRGINIA:**

At a regular meeting of the Board of Supervisors of Amherst County held at the Administration Building thereof on Tuesday, the 18th day of August, 2009 at 7:00 p.m. at which the following members were present and absent:

BOARD OF SUPERVISORS:

PRESENT: Mr. L. Parrish
Mr. C. Adams
Mr. D. Kidd
Mr. R. Vandall
Mr. V. Wood

ABSENT:

Mr. L. Parrish called the meeting to order.

Mr. L. Parrish led in the invocation and the pledge of allegiance to the flag.

IN RE: APPROVAL OF AGENDA

On motion of Mr. Vandall, seconded by Mr. D. Kidd and with the following vote, the Board of Supervisors amended the agenda with the addition of items left from the 1:00 p.m. meeting as follows:

County Attorney –

- b. Virginia Nuisance Primer Memorandum
- c. Potential Monelison Fire and Rescue move to Lots 5 and 6 and Parcel 1 of the melon Commerce Center
- d. Resolution Authorizing Sewer Line Extension to Lots 5 and 6, and Parcel 1 of the Amelon Commerce Center
- e. *County of Amherst v. Thomas H. Lee* (Court Case No. CL06006429) Delinquent Tax Surplus Proceeds Payment Report
- f. Attorney General's Office Investigation Request
- g. Amherst CVCC Center Support Letter
- h. Virginia Freedom of Information Act ("VA FOIA") Tutorial
- i. Roll-Call Voting Machine Pricing Status Report
- j. Letter to Virginia Department of Environmental Quality ("VA DEQ") regarding biosolids and the Virginia Blue Ridge Railway Trail
- k. Treasurer Special Election Timing Status Report
- l. Noise Ordinance Update Memorandum
- m. Monacan Park Wake Boarding Issue Update

Appropriations/Transfers/Disbursements

AYE: Mr. L. Parrish, Mr. C. Adams, Mr. D. Kidd, Mr. R. Vandall and Mr. V. Wood

NAY: None

IN RE: PUBLIC HEARING ZONING CASE 2009-14

2009-14 Request by the County of Amherst for a zoning text amendment to include text that would allow unforeseen uses to be considered by the Board of Supervisors as a special exception use in the B-2 General Commercial District, M-1 Industrial District and the A-1 Agricultural Residential District. The text amendment in the three zoning districts will state: "other compatible uses as reviewed by the Planning Commission and approved by the Board of

Supervisors, provided that the use(s) is not a permitted or special exception use in another zoning district and should be consistent with the statement of intent" of each of the three zoning districts.

Proponents: None

Opponents: None

The public hearing was closed.

On motion of Mr. D. Kidd, seconded by Mr. Vandall the Board of Supervisors moved to table action on this text amendment.

AYE: Mr. L. Parrish, Mr. C. Adams, Mr. D. Kidd, Mr. R. Vandall and Mr. V. Wood

NAY: None

IN RE: PUBLIC HEARING ZONING CASE 2009-16

2009-16 Request by Angela Burks for a special exception in the R-2 General Residential District. The purpose of the special exception is to allow a manufactured home located at 228 Hico Road and is further identified as tax map number 138-A-98.

Proponents: Ms. Burks

Opponents: None

The public hearing was closed.

On motion of Mr. R. Vandall and with the following vote, the Board of Supervisors approved the Planning Commission recommendation to approve the request for a special exception in the R-2 General Residential District with the further condition that the manufactured home shall be limited to a member of the immediate family only.

AYE: Mr. L. Parrish, Mr. C. Adams, Mr. D. Kidd, Mr. R. Vandall and Mr. V. Wood

NAY: None

IN RE: PRESENTATION BY SPRINGSTED, INC. OF THE AMHERST COUNTY NEW PERSONNEL PLAN

The Board of Supervisors received a presentation from Springsted, Inc. and their recommendations of changes to the personnel plan. The Board will take this under advisement until a later date.

IN RE: CITIZEN COMMENTS

Cindy Bowen – Investigation, press release on new county administrator and Code of Ethics

Dan Hughes – Code of Ethics – add Board of Supervisors shall be exempt from the Code of Ethics

Jeff Hanson – trust

Janice Camden – letter of August 18, 2009 – Move forward and put our energies and time to a more productive agenda

IN RE: COUNTY ATTORNEY'S REPORTS

b. Virginia Nuisance Primer Memorandum

Please read and will discuss later.

- e. *County of Amherst v. Thomas H. Lee* (Court Case No. CL06006429) Delinquent Tax Surplus Proceeds Payment Report

For the Board of Supervisors information.

- f. Attorney General's Office Investigation Request

The Board of Supervisors notification of request to Attorney General's Office and will followup at a later meeting.

- g. Amherst CVCC Center Support Letter

Letter to Dr. Darrel Staat, President of Central Virginia Community College, in support and to used in CVCC's substantive change request regarding off-campus centers to the Southern Association of Colleges and Schools.

- h. Virginia Freedom of Information Act ("VA FOIA") Tutorial

Tutorial tentatively set for October 19, 2009 and will get back to the Board.

- i. Roll-Call Voting Machine Pricing Status Report

After receiving more information, the Board of Supervisors directed staff to hold off on action on this matter until a later date.

- j. Letter to Virginia Department of Environmental Quality ("VA DEQ") regarding biosolids and the Virginia Blue Ridge Railway Trail

Letter of August 18, 2009 to Virginia Department of Environmental Quality regarding biosolids and the Virginia Blue Ridge Railway Trail and will return to the Board with reaction to said letter.

- k. Treasurer Special Election Timing Status Report

On July 29, 2009, Judge Gamble responded to said request and stated that he will issue a writ of special election only after a vacancy in the position occurs, and only after the BOS notifies him again within fifteen (15) days of January 1, 2010, the date of the vacancy. On July 30, 2009, I sent a reply letter to Judge Gamble thanking him for his decision and informing him that I would notify the Board of Supervisors of said decision at their next meeting. This was presented to the Board for their review and reference only. No action was required.

- l. Noise Ordinance Update Memorandum

This was presented for the Board of Supervisors review and reference only. No action was required.

- m. Monacan Park Wake Boarding Issue Update

Various information was provide regarding the problem at Monacan Park. The County attorney was asking direction as to what the Board wish for him to do at this time. No action was taken.

IN RE: APPROPRIATIONS AND TRANSFERS

On motion of Mr. R. Vandall and with the following vote, the Board of Supervisors moved to approve the following appropriations and transfers:

- a. **APPROPRIATIONS**

FY2010

Community Development

81090 3002 600 Broadband Authority \$ 23,325.00
 (To bring forward to FY10 funds appropriated for Broadband Authority. Second installment due in October 2009 according to contract.)

FY2010Sheriff's Dept.

31020	3004 100	Auto Repairs	\$ 250.00
31020	3004 100	Auto Repairs	1,413.07
31020	1007	Forest Patrol	2,325.00
31020	1010	Narcotic Comp	510.86
31020	1013	ACHS Security	403.69
31020	3004	Vehicle Repair	150.00
31020	5410	Uniforms	959.00
31020	5409	Police Supplies	126.00
31020	7001	Equip	120.00
33010	3001	Medical	178.83

(Pass through revenue)

FY2009Public Safety

32020 5805 Fire Training \$ 4,608.00
 (Revenue received from the City of Lynchburg for Regional FEMA Grant Classes)\

FY2009Sheriff's Dept.

31020	1007	Forest Patrol	\$ 450.00
8-3130	7001	Grant Equip	10,390.00

FY2009County Administration

12010	1001	Comp County Administrator	\$13,153.70
12010	2001	FICA	489.00

(To pay out accumulated annual leave)

TRANSFERS**FY 2009**Board of Supervisors

Transfer from:

11010	5504	Travel Education	\$ 1,367.70
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Transfer to:

11010	1001	Compensation	\$.20
11010	2001	FICA	12.90
11010	3013	Professional Services	475.52
11010	3020	Legal Services	332.01
11010	5411	Microfilming, Books, Subscriptions	291.95
11010	5501	Travel	128.37
11010	5804	Miscellaneous	126.75
(To balance end of year FY09)			

FY 2009**Solid Waste**

Transfer from:

42050	3035	Contracted Hauling Services	\$ 40,276.33
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Transfer to:

42040	1001	Comp - Coordinator	\$ 1,546.04
42040	5201	Postage	11.56
42040	5203	Telecommunication	1,476.69
42050	2002	FICA	3,316.20
42050	2005	Hospitalization	3,420.00
42050	2006	Group Life	207.00
42050	2017	Health Ins. Credit	55.32
42050	5101	Electric	801.23
42080	1008	Comp - Landfill	1,611.00
42080	1009	Comp - Part Time	3,116.89
42080	2002	VRS – Retirement	211.36
42080	2010	Workman's Comp	630.70
42080	3010	Repair & Maint – Equip	17,790.24
42080	3011	Repair & Maint	16.44
42080	3015	Trench Operation	1,068.50
42080	3023	Environmental Monitoring	213.25
42080	5408	Gasoline, Oil, Grease	1,125.16
42080	5410	Uniforms	62.93
42080	5418	Road Material	258.32
42100	3004	Site Maintenance	3,337.50

(Balance end of year lines)

AYE: Mr. L. Parrish, Mr. C. Adams, Mr. D. Kidd, Mr. R. Vandall and Mr. V. Wood
 NAY: None

IN RE: MATTERS FROM THE MEMBERS OF THE BOARD OF SUPERVISORS

Leon J. Parrish – None

Chris Adams – child care

Don Kidd – Rodney Taylor's personal email on county computer, on county time

Ray Vandall – None

Vernon Wood – None

IN RE: ADJOURNMENT

On motion of Mr. V. Wood, seconded by Mr. R. Vandall and with the following vote, the Board of Supervisors adjourned to Monday, August 24, 2009 at 5:00 p.m. in the Board of Supervisors meeting room.

AYE: Mr. L. Parrish, Mr. C. Adams, Mr. D. Kidd, Mr. R. Vandall and Mr. V. Wood

NAY: None

Leon J. Parrish, Chairman
Amherst County Board of Supervisors

David R. Proffitt, Acting County Administrator